

BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

HOSPITAL CENTRAL SERVICES
ASSOCIATION,

Appellant,

v.

PUGET SOUND AIR POLLUTION CONTROL
AGENCY,

Respondent.

PCHB No. 91-153

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The appeal of Civil Penalty No. 7436 of \$1,000 for the alleged violation of Puget Sound Air Pollution Control Agency Regulation I, Section 9.15(a), Section 9.15(c), and Section 9.20(b), came on for formal hearing in Lacey, Washington, Monday, July 29, 1991, before the Pollution Control Hearings Board, Harold S. Zimmerman, (presiding), and Annette S. McGee.

Appellant Hospital Central Services Association, was represented by its general manager, Paul Berger. Respondent Puget Sound Air Pollution Control Agency (PSAPCA) was represented by its attorney, Keith D. McGoffin. The proceedings were taken by Gene Barker and Associates, court reporters.

Witnesses were sworn and testified. Exhibits were examined. From the testimony heard and exhibits examined, the Board makes these:

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
PCHB No. 91-153

(1)

1 FINDINGS OF FACT

2 I

3 Appellant Hospital Central Services is a not-for-profit laundry
4 located at 1300 East Columbia Street in Seattle, King County,
5 Washington. It serves 12 hospitals and two nursing homes from
6 Tacoma's St. Joseph to Providence Hospital in Everett, which have some
7 3,500 beds. It operates 360 days a year, and handles some 18 million
8 pounds of linen a year, and in the process of laundering, produces
9 enough lint to fill 14 drums, 55 gallon size, approximately 24" wide
10 by 36" deep, in one day.

11 II

12 Respondent PSAPCA is a municipal corporation with the
13 responsibility for conducting a program of air pollution prevention
14 and control in a multi-county area which includes the site of the
15 appellant's laundry.

16 PSAPCA pursuant to RCW 43.21B.260, has filed with this Board a
17 certified copy of its Regulation I, of which the Board takes judicial
18 notice.

19 On May 10, 1991, at approximately 1:30 p.m., PSAPCA Air Inspector
20 Richard J. Gribbon responded to a complaint at the complainant's
21 residence. The complainant told Gribbon that Hospital Central
22 Services Associaton, located at 1300 East Columbia Street, Seattle,
23 allows lint to escape from the laundry facility and it falls on the
24

1 complainant's property. Mr. Gribbon inspected the complainant's
2 property, and observed evidence of lint fallout on the roof of the
3 residence and in the yard. There was no airborne particulate falling
4 onto complainant's property at the time of the inspection.

5 IV

6 While investigating the complaint, Inspector Gribbon noticed a
7 lint screen was mounted on the roof of the Hospital Central Services
8 building, and noted that collection on the screen was so thick the
9 inspector was unable to see through the lint screen.

10 V

11 Inspector Gribbon contacted Mr. Andrew Brown and Mr. Ed Clark at
12 the Hospital Central Services Association, and explained the purpose
13 of the inspection, responding to a complaint. Based upon his
14 inspection, Inspector Gribbon had concern regarding the amount of lint
15 collected on the lint barrier located on the roof at the north end of
16 the Hospital Central Services building. All three men inspected the
17 roof area and observed lint there.

18 VI

19 Inspector Gribbon noticed airborne lint particulate escaping from
20 a broken seal located on the east side of the western-most collection
21 unit. He also observed that the next collection unit had an entire
22 section missing, allowing airborne lint particulate to not be
23 collected, but to become airborne, falling on the roof and blowing
24 into the ambient air.

VII

The unit with the missing section had a blue tarp over the top, however, the bottom and both sides were open to the ambient air. The Hospital Central Services Association representatives explained to Inspector Gribbon that the lint collectors are emptied at least twice a day and that the process releases lint into ambient air during each collection process.

VIII

Inspector Gribbon advised the Hospital Central Services representatives that Notice of Violation would be issued citing Regulation I, Section 9.15(a) and 9.15(c) Regulation I, Section 9.20(b).

IX

Inspector Gribbon prepared PSAPCA Notices of Violation No. 27723 and Notice of Violation No. 27724. Subsequently Notice and Order of Civil Penalty No. 7436 was issued and sent by certified mail.

X

The present equipment was installed in 1982. It operates in two stages, with one part of the unit to reduce heat loss, thus saving on energy consumption. That year the federal government spent \$350,000 to make possible energy recovery a goal, and since then the cost of natural gas has dropped so it is no longer an economic incentive to recover the heat loss. For these reasons, for five or six months the dryer lint filter was not functioning satisfactorily.

1 XI

2 Since receiving the citation the appellant firm has expended
3 \$11,500 for a structure on the roof to capture more of the lint. A
4 new, single stage stainless steel dryer lint filter costs
5 approximately \$35,000. Such a filter may be a worthwhile investment.

6 XII

7 Any Conclusion of Law deemed to be a Finding of Fact is hereby
8 adopted as such.

9 From these Findings of Fact, the Board makes these:

10 CONCLUSIONS OF LAW

11 I

12 The Board has jurisdiction over these parties and these matters.
13 Chapter 43.21B and 70.94 RCW.

14 II

15 PSAPCA Regulation I, Section 9.1()a) states:

16 *It shall be unlawful for any person to cause or allow*
17 *the emission of an air contaminant in sufficient*
18 *quantities and of such characteristics and duration as*
19 *is, or is likely to be, injurious to human health,*
20 *plant or animal life, or property, or which*
21 *unreasonably interferes with the enjoyment of life and*
22 *property.*

23 III

24 The Board concludes that emissions of lint caused by Hospital
25 Services Association unreasonably interfered with the enjoyment of
26 life and property on May 10, 1991, in violation of Section 9.11(a).

27 FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
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1 We believe the appellant expresses the desire to be a "good neighbor",
2 and will take reasonable steps to become one.

3 IV

4 The Washington Clean Air Act, Chapter 70.94 RCW, is a strict
5 liability statute. Air contaminant sources are required to conform to
6 such regulations. Factors bearing on the reasonableness of the civil
7 penalty must be considered. These include:

- 8 . Nature of violation
9 . Prior behavior of violator; and
10 . actions taken to solve the problem.

11 Puget Chemco, Inc. v. PSAPCA, PCHB NO. 84-245, et al.

12 V

13 The violation in this case caused a nuisance.

14 There have been previous violations several years ago, in 1984
15 and 1985.

16 The appellant has taken steps to help deal with the problem,
17 since the citation in this case was issued. The appellant has spent
18 \$11,500 to contain the lint on the roof. There are indications they
19 are looking at stainless steel equipment which offers some
20 improvements to prevent future occurrence.

21 VI

22 We believe that the maximum penalty assessed here is more than
23 required to meet the corrective aims of the statute. These aims to
24

deter should be realized with the penalty affirmed below.

VII

Any Finding of Fact which is deemed a Conclusion of Law is hereby adopted as such.

From these Conclusions of Law, the Board enters the following

ORDER

Notice and Order of Civil Penalty No. 7436, issued by PSAPCA to Hospital Central Services Association is affirmed in the amount of \$600; \$400 of the penalty is suspended provided the Company has no air pollution violations in the next five years.

DONE this 18th day of September, 1991.

POLLUTION CONTROL HEARINGS BOARD


HAROLD S. ZIMMERMAN, Presiding


ANNETTE S. MCGEE, Member